

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, DAYTON

AT&T CORP, a New York Corporation,	)	CASE NO. 3:19-CV-00192
)	
Plaintiff,)	
	)	JUDGE RICE
v.)	
)	
J & J SCHLAEGEL INC.,	)	<u>ORDER GRANTING</u>
	)	<u>PLAINTIFF'S MOTION FOR</u>
Defendant.	)	<u>EXTENSION OF TIME</u>

Plaintiff AT&T's Motion for Extension of Time is hereby granted. Plaintiff shall have until on or before May 12, 2020 to file an opposition to Defendant J&J Schlaegel, Inc.'s Motion for Summary Judgment.

Dated: 05/05/2020

IT IS SO ORDERED

/s/ Walter H. Rice (tp - per Judge Rice authorization after his review)
JUDGE RICE

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SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, DAYTON

AT&T CORP, a New York Corporation,)	CASE NO. 3:19-CV-00192
)	
Plaintiff,)	
	)	JUDGE RICE
v.)	
)	
J & J SCHLAEGEL INC.,	)	PLAINTIFF'S MOTION FOR EXTENSION
	)	OF TIME TO RESPOND TO
Defendant.	)	DEFENDANT'S MOTION FOR
	)	SUMMARY JUDGMENT

Now comes Plaintiff AT&T Corp. and pursuant to L.R. 7.3 (a), respectfully moves the Court for an order granting it an extension of time until May 12, 2020 to file an opposition to Defendant J&J Schlaegel, Inc.'s Motion for Summary Judgment. As required by L.R. 7.3(a), earlier today Plaintiff's counsel emailed and called Defendant's counsel and sought Defendant's approval for the extension of time. Plaintiff's counsel has not yet received a response from Defendant's counsel.

Pursuant to L.R. 7.2, AT&T Corp.'s opposition was due on April 28, 2020. Unfortunately, AT&T's counsel missed the summary judgment filing as it was one of ten filings made by Defendant on April 7, 2020. Plaintiff's counsel mistakenly believed that all of the filings on April 7, 2020 were filings of deposition notices and did not docket a summary judgment response date. Additionally, Plaintiff's counsel had docketed May 15, 2020 as the deadline to file dispositive motions pursuant to the Rule 26(f) Report of the Parties filed September 18, 2019; (*see* Doc#: 14) and therefore docketed the deadline to file an opposition to a dispositive motion for June 5, 2020.

The proposed extension of time will not prejudice Defendant nor will it delay the resolution of this matter. Trial is set in this matter on September 21, 2020.

Further, Plaintiff AT&T Corp. states that this motion is filed in good faith and not for the purposes of delay. A proposed order is attached hereto as Exhibit A.

Respectfully submitted,

/s/Leo M. Spellacy, Jr.

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Attorneys for Plaintiff AT&T Corp.

CERTIFICATE OF SERVICE

A copy of the foregoing Plaintiff's Motion For Extension Of Time To Respond To Defendant's Motion For Summary Judgment was filed with the Court and served electronically on May 1, 2020 to the following counsel of record:

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Attorneys for Defendant J & J Schlaegel, Inc.

/s/ Leo M. Spellacy, Jr.

Leo M. Spellacy, Jr. (0067304)